



2026:AHC:124860

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 18122 of 2026

Mahendra Kumar

.....Applicant(s)

Versus

State of U.P.

.....Opposite Party(s)

Counsel for Applicant(s)	:	Janardan Yadav, Manikant Yadav
Counsel for Opposite Party(s)	:	Chandra Kumar Rai, G.A.

Court No. - 4

HON'BLE ARUN KUMAR SINGH DESHWAL, J.

1. Heard Sri Janardan Yadav, learned counsel for the applicant, Sri Chandra Kumar Rai, learned counsel for the first informant and Sri DPS Chauhan, learned A.G.A. for the State and perused the record.

2. The instant bail application has been filed with a prayer to release the applicant on bail in Case Crime No.92 of 2026, under Sections-319(2), 318(4), 336(3), 338, 340(2), 61(2), 352, 351(3), 111(7) BNS, Police Station-Kotwali, District-Azamgarh, during the pendency of the trial.

3. Contention of learned counsel for the applicant is that as per the FIR, specific allegation has been made against the co-accused, Krishna Chand Rai, who persuaded the first informant to purchase the land, thereafter amount was also transferred in different accounts including Rs.50,000/- in the account of the applicant by the business partner of the applicant, Usha Devi, though, no specific allegation has been made against the applicant and even the applicant has not executed any document. Therefore, applicant has not committed any offence. It is further submitted that applicant is ready to pay through a draft of Rs.50,000/- dated 18.05.2026 bearing no.916756 issued by Union Bank of India, Heerapatti Branch which has been produced before this Court. It is further submitted that the applicant has no criminal history. The applicant is languishing in jail since 23.03.2026. In case, he is granted bail, he will not misuse the liberty of bail and would cooperate in the trial proceedings.

4. Learned counsel for the first informant has submitted that he has no grievance against the present applicant in case applicant is ready to return Rs.50,000/- then he will not have any objection in case the

applicant is released on bail.

5. Per contra, learned A.G.A. has vehemently opposed the prayer for bail but could not dispute the aforesaid facts.

6. Considering the aforesaid submission and taking into account that there is no specific allegation against the applicant and applicant has handed over a draft of Rs.50,000/- as mentioned above to the learned counsel for the first informant and keeping in view the nature of offence, evidence, complicity of the accused and taking into account overcrowded jails and heavy pendency of criminal cases before the trial courts as well as considering the mandate of the judgement of the Apex Court in the case of **Kapil Wadhawan vs Central Bureau of Investigation** reported in **2025 SCC OnLine SC 3038** as well as guideline of this Court in the case of **Maya Tiwari Vs. State of U.P.** reported in **2024 SCC Online All 6765** regarding grant of bail and without expressing any opinion on the merits of the case, I am of the opinion that the applicant is entitled to be enlarged on bail. Accordingly, the present application is **allowed**.

7. Let the applicant- **Mahendra Kumar**, involved in the aforementioned crime be released on bail, on his furnishing a personal bond and two sureties each in the like amount, to the satisfaction of the court concerned, with the following conditions:-

i. The applicant shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

ii. The applicant shall cooperate in the trial/investigation sincerely without seeking any adjournment.

iii. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

iv. The applicant shall attend in accordance with the conditions of the bond executed by him.

8. In case of breach of any of the above conditions, it shall be a ground for cancellation of bail.

9. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

10. Verification of mobile number and Aadhaar card of the applicant as well as sureties should be verified by the court concerned.

11. It is further directed that the trial court shall send the release order to the concerned jail through Bail Order Management System (BOMS) to ensure early release of the applicant.

12. Office is directed to send a copy of this order to the applicant through **Azamgarh Jail Superintendent** via e-mail or on e-prison portal and Trial Court via e-mode within 24 hours in compliance of the order of the Apex Court in the case of **Policy Strategy for Grant of Bail, In Re: Suo Motu Writ Petition (Crl.) No.4 of 2021** decided on **31.01.2023** reported in **(2024) 10 SCC 685** as well as **Pila Pahan@Peela Pahan and others Vs. State of Jharkhand and another**, in **Writ Petition (Criminal) No. 169 of 2025**, decided on **29.05.2026**.

June 3, 2026
S.C.

(Arun Kumar Singh Deshwal,J.)